

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 438 OF 2015

SUNALI ROOPKUMAR RATHOD)... PLAINTIFF

V/s.

SAMEER JITENDRA SHETH AND OTHERS)... DEFENDANTS

WITH
NOTICE OF MOTION NO. 1149 OF 2015
WITH
INTERIM APPLICATION NO. 3937 OF 2023
WITH
INTERIM APPLICATION NO. 3977 OF 2025
WITH
INTERIM APPLICATION NO. 1963 OF 2025
IN
SUIT NO. 438 OF 2015

Mr.Mohan Jayakar a/w. Mr.Yash Pandya i/by Jayakar & Partners,
Advocate for the Plaintiff.

Mr.Yash Jain, Advocate for the Applicant in IA/1963/2025.

Mr.Rohaam Cama i/by Dastur Kalambi and Associates, Advocate for the
Applicant / Intervenor in IA/3937/2023.

Mr.Vivek Kantawala a/w. Mr.Manav Kantawala and Mr.Nikki Kantawala
i/by Mr.Vivek Sharma, Advocate for the Defendant no.1.

CORAM : ABHAY AHUJA, J.

DATE : 23rd April, 2026

PC. :

1. When the matter is called out, at the outset, Mr.Rohaam Cama,
learned Counsel appears for the Applicant in Interim Application

No.3937 of 2023 and submits that the appearance of the said Counsel / Advocate in the said application does not reflect in the order dated 16th April 2026 and the said order be corrected to reflect the same. Let the order dated 16th April 2026 be corrected and the corrected order be uploaded as soon as possible. Rest of the order remains as it is.

2. Mr.Jayakar, learned Counsel, appears for the Plaintiff and submits that the Consent Terms concern the Lonavala bungalow and not the HUF property at Chandivali and that Mr.Tamboly's client viz. the Applicant in Interim Application No.1963 of 2025 should not have any problem.

3. Mr.Cama and Mr.Kantawala support the submissions made by Mr.Jayakar, however, Mr.Jain, learned Counsel appearing for the Applicant in Interim Application No.1963 of 2025 submits that the Consent Terms have been received only yesterday and a short date be given to take instructions in the matter. The other learned Counsel have no objection if a short date is granted.

4. Accordingly, list on **28th April 2026** on the **Supplementary board** when this Court will consider taking the Consent Terms on record.

(ABHAY AHUJA, J.)